

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Claudia Paladino	Team: Team # 3	CCRB Case #: 200501768	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/11/2005 5:30 PM, Monday, 02/14/2005, Tuesday, 02/15/2005, Wednesday, 02/16/2005	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 77	18 Mo. SOL 8/11/2006	EO SOL 8/11/2006	
Date/Time CV Reported Thu, 02/17/2005 11:11 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 02/17/2005 11:11 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Kurt Trotman	05585	899928	077 PCT
2. SGT Brett Granowetter	02897	932642	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Paul Banks	01244	932293	077 PCT
2. POM Steven Margaritis	26964	927568	077 PCT
3. POM Christop Clark	09285	934652	077 PCT
4. POM Raymond Gattus	04059	928359	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Kurt Trotman	Abuse: SGT Kurt Trotman stopped and questioned § 87(2)(b) on February 11, 2005.	[REDACTED]
B.SGT Kurt Trotman	Abuse: SGT Kurt Trotman stopped and questioned § 87(2)(b) on February 14, 2005.	[REDACTED]
C.SGT Kurt Trotman	Abuse: SGT Kurt Trotman stopped and questioned § 87(2)(b) on February 15, 2005.	[REDACTED]
D.SGT Kurt Trotman	Abuse: SGT Kurt Trotman stopped and questioned § 87(2)(b) on February 16, 2005.	[REDACTED]
E.SGT Kurt Trotman	Abuse: SGT Kurt Trotman authorized the frisk of § 87(2)(b) on February 16, 2005.	[REDACTED]
F.SGT Kurt Trotman	Abuse: SGT Kurt Trotman authorized the search of § 87(2)(b) § 87(2)(b) on February 16, 2005.	[REDACTED]
G.SGT Brett Granowetter	Abuse: SGT Brett Granowetter did not process § 87(2)(b)'s complaint regarding an officer.	[REDACTED]
H.SGT Kurt Trotman	Discourtesy: SGT Kurt Trotman spoke rudely to § 87(2)(b) on February 16, 2005.	[REDACTED]

Synopsis

§ 87(2)(b) § 87(2)(b) alleged that Sergeant Kurt Trotman stopped him in the vicinity of § 87(2)(b) in Brooklyn on February 11, 2005, February 14, 2005, February 15, 2005 and February 16, 2005.

(Allegations A through D) He alleged that on February 16, 2005, officers under the direction of Sergeant Trotman frisked and searched him. (Allegations E and F) § 87(2)(b) § 87(2)(b) alleged that later that day, he went to the 77th Precinct station house to file a complaint against Sergeant Trotman and at that time, Sergeant Granowetter told him that Sergeant Trotman needed to be present to take the complaint. Sergeant Granowetter called Sergeant Trotman over the radio requesting that he respond to the station house regarding the complaint. (Allegation G) § 87(2)(b) § 87(2)(b) alleged that when Sergeant Trotman arrived he cursed at him and told him to leave the station house. (Allegation H) § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

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§ 87(2)(b)

Summary of Complaint

§ 87(2)(b) § 87(2)(b) initially complained about his interactions with Sergeant Trotman on February 16, 2005 at the 77th PCT station house when he completed a civilian complaint form. (encl. 4A) He called the CCRB on February 17, 2005 and complained about the series of encounters a second time. (encl. 5A-C) § 87(2)(b) § 87(2)(b) a § 87(2)(b)-year-old black male was interviewed at the CCRB on March 14, 2005. (encl. 6A-F) The three statements are mostly consistent however, § 87(2)(b) § 87(2)(b)'s CCRB statement was more detailed and will be summarized below.

§ 87(2)(b) § 87(2)(b) works at a company called § 87(2)(b), which is similar to § 87(2)(b). He lives at § 87(2)(b) in Brooklyn, as verified by his New York State identification card. § 87(2)(b) § 87(2)(b) is complaining about a series of interactions with Sergeant Trotman, his partners, and officers at the 77th Precinct station house, beginning on February 11, 2005 through February 16, 2005. § 87(2)(b) § 87(2)(b) had not had any interactions with these officers prior to the first incident date. § 87(2)(b) § 87(2)(b) explained that although he does not live in the vicinity of § 87(2)(b) § 87(2)(b) he grew up there and has friends that he visits every day after work.

On February 11, 2005 between 6:00PM and 7:00PM, § 87(2)(b) § 87(2)(b) was visiting with a friend of his, § 87(2)(b) § 87(2)(b) who lives at § 87(2)(b) Apt. 2B in Brooklyn. He has known her since he was a child. § 87(2)(b) § 87(2)(b) often visits § 87(2)(b) § 87(2)(b) after work. § 87(2)(b) § 87(2)(b) exited the building and descended the stairs. He made a right turn and saw a group of officers on the front stoop of § 87(2)(b) § 87(2)(b). There was a marked police vehicle parked near the location, but no one was inside. A tall black male, later identified as Sergeant Trotman, "waved his finger" at § 87(2)(b) § 87(2)(b) indicating that he wanted to speak with him. § 87(2)(b) § 87(2)(b) had never seen or interacted with these officers before. § 87(2)(b) § 87(2)(b) approached Sergeant Trotman and another officer. They were both in uniform. PO2, a uniformed 6'0" tall Hispanic male appeared to be Sergeant Trotman's partner. Sergeant Trotman asked § 87(2)(b) § 87(2)(b) where he was coming from. § 87(2)(b) § 87(2)(b) told Sergeant Trotman that he was visiting a friend inside § 87(2)(b) § 87(2)(b). Sergeant Trotman told § 87(2)(b) § 87(2)(b) that someone made complaint regarding an incident inside that building and asked § 87(2)(b) § 87(2)(b) if there was anyone that could verify that he was just inside the building. § 87(2)(b) § 87(2)(b) asked Sergeant Trotman why he and the other officers were standing in front of § 87(2)(b) § 87(2)(b) if there was a call for a complaint at § 87(2)(b) § 87(2)(b). The officers did not offer a response. § 87(2)(b) § 87(2)(b) told the officer that § 87(2)(b) § 87(2)(b) could corroborate that he was inside her apartment minutes earlier. Sergeant Trotman and PO2 walked over to § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) buzzed § 87(2)(b) § 87(2)(b)'s apartment. She exited her apartment and walked into the lobby and over to the front door. She told the officers that § 87(2)(b) § 87(2)(b) had, in fact, been visiting with her before he exited the building. She went back inside. PO2 mentioned something about the complaint regarding an incident inside § 87(2)(b) § 87(2)(b). Sergeant Trotman added something about the complaint as well, but § 87(2)(b) § 87(2)(b) did not want to listen and walked away. The officers never asked § 87(2)(b) § 87(2)(b) for his identification or to verify his address at any time. § 87(2)(b) § 87(2)(b)

initially stated that Sergeant Trotman was with approximately 8 other officers, but when later asked to clarify that observation, § 87(2)(b) said that only Sergeant Trotman and PO2 were involved in the above interaction.

On February 14, 2005, § 87(2)(b) had been visiting with § 87(2)(b) at her apartment. She asked him to go to the store and buy her a beer and he did. When § 87(2)(b) returned to the vicinity, he stopped in front of § 87(2)(b) to smoke a cigarette. § 87(2) is next to § 87(2) and § 87(2)(b) wanted to smoke a cigarette by himself because § 87(2)(b) is always asking him for cigarettes. He placed the can of beer on the ledge near the front stoop of the building. A marked police van approached the area and stopped in front of § 87(2)(b). He recognized the front passenger as Sergeant Trotman and saw that PO2 was driving the van. There might have been another officer or two in the back seat but § 87(2)(b) was not certain. Sergeant Trotman asked § 87(2)(b) "What are you doing?" § 87(2)(b) answered that he was not doing anything but was "about to go somewhere." Sergeant Trotman asked him where he was going and § 87(2)(b) told him that he was about to go "next door" indicating § 87(2)(b). Sergeant Trotman asked him why he was standing there and § 87(2)(b) told Sergeant Trotman that he was smoking a cigarette and asked him why he decided to stop him when there were groups of other people standing in front of other buildings in the area. The two officers started talking to each other and § 87(2)(b) could not hear what they were saying. Sergeant Trotman opened the front door of the van so as to exit the vehicle. He asked § 87(2)(b) if the drink that was on the ledge was a beer. § 87(2)(b) admitted that he had a beer and immediately lifted the can up and turned it over to show that it was not open. Sergeant Trotman exited the van and looked at the beer to see that it was not open. He told § 87(2)(b) "I don't need to be seeing you around here every day." § 87(2)(b) told Sergeant Trotman that he is going to go there every day because that is where he goes after work. Sergeant Trotman told § 87(2)(b) that the other day he was in front of § 87(2)(b) after having visited someone, and that on the 14th, he was standing outside of § 87(2) saying that he was about to go visit someone, implying that § 87(2)(b)'s behavior was suspicious. § 87(2)(b) was upset because the officers had remembered him and singled him out a few days later. Sergeant Trotman got back inside the van he and PO2 continued to talk. At that point, § 87(2)(b) the aunt of § 87(2)(b)'s ex-girlfriend came out of § 87(2)(b). She asked § 87(2)(b) what was going on. Just as she came outside to find out what was going on, the officers drove away.

On February 15, 2005, § 87(2)(b) was standing outside of § 87(2)(b) between 6:00PM and 7:00PM. Sergeant Trotman and PO2 drove up the location in the same marked police van. Sergeant Trotman was in the front passenger seat and PO2 was driving. There might have been a third officer in the back seat. Sergeant Trotman asked § 87(2)(b) what he was doing there. § 87(2)(b) reiterated that he always goes to that neighborhood after work every day because that was where he grew up, just as he explained during the last two encounters. Sergeant Trotman asked § 87(2)(b) what he was doing and said, "You're a drug dealer right?" § 87(2)(b) told him that if he is a police officer and is so smart he should have noticed that he only sees § 87(2)(b) at the location after work. Sergeant Trotman told § 87(2)(b) that they were trying to "clean up the neighborhood." Sergeant Trotman was talking but § 87(2)(b) was not paying attention. Sergeant Trotman and PO2 drove off. Again, the officers never asked § 87(2)(b) for his identification or where he lives.

On February 16, 2005 between 5:00PM and 6:00PM, § 87(2)(b) was in front of § 87(2)(b). Sergeant Trotman, PO2 and two additional uniformed white male officers, one of which was 5'5, arrived at the scene in a marked police van. They all exited the van and approached § 87(2)(b). Sergeant Trotman asked § 87(2)(b) where the guns were. § 87(2)(b) told him that he did not have a gun on him and lifted up his shirt and exposed his waistband to show that he was not in possession of a gun. Sergeant Trotman walked over to a yard leading to the basement of the building and began pushing on the door to try to get inside. Sergeant Trotman, at some point, told the shorter male officer to run § 87(2)(b)'s identification. § 87(2)(b) gave his identification to the 5'5 white male officer and he went over to the police van to run the identification. PO2 was holding § 87(2)(b)'s left arm and the other white male officer was holding his right arm while Sergeant Trotman was still pushing on the basement door. Sergeant Trotman asked § 87(2)(b) where the drugs were. § 87(2)(b) denied any knowledge of drugs. PO2 and the other white male officer put their hands into the sleeves of § 87(2)(b)'s jacket to search for drugs. At that time, Sergeant Trotman approached § 87(2)(b) from the rear and put his hand in the back of § 87(2)(b)'s pants between his pants and his underwear. The 5'5 white male officer exited the van and stood in front of § 87(2)(b).

He told § 87(2)(b) that “drug dealers hide their drugs in their butts.” § 87(2)(b) asked the officers what was wrong with them. Sergeant Trotman was pulling up on § 87(2)(b)'s pants to try to make him fall down the steps. PO2 and the other white male let go of § 87(2)(b)'s arms and Sergeant Trotman went back to the basement door. PO2 told § 87(2)(b) that they were trying to clean up the neighborhood and that they need to know where the drugs are. PO2 then asked § 87(2)(b) if he was in a gang. § 87(2)(b) said that he was not in a gang and that he did not sell drugs and does not understand why he was being stopped. PO2 then told § 87(2)(b) that if he were to fall down the steps, he (PO2) would help him by giving him mouth to mouth resuscitation. § 87(2)(b) did not understand why PO2 was talking about mouth to mouth. During that time, one of § 87(2)(b)'s friends, § 87(2)(b) walked by and commented, “no one wants mouth to mouth.” PO2 told § 87(2)(b)'s friend to leave and he did. The 5'5 officer and Sergeant Trotman went over to the van and spoke for a short time and then they both went over to § 87(2)(b). The 5'5 officer had a notebook in his hand and § 87(2)(b) asked him what he was writing down. He told § 87(2)(b) that he was documenting that he stopped him. Sergeant Trotman told § 87(2)(b) “You're bad. You're bad.” After the 5'5 officer wrote down the information he needed, they left the scene.

§ 87(2)(b) went directly to the 77th Precinct to file a complaint. When he got there at approximately 6:40PM, he told the women at the front desk that he wanted to file a complaint against an officer. They both acted as if they did not know what to do and initially did not respond to § 87(2)(b)'s request. He asked them what he had to do to file a complaint and one of the women pointed toward the group of police officers behind the desk. Approximately 15 minutes later, Sergeant Granowetter approached § 87(2)(b). He told Sergeant Granowetter that he wanted to file a complaint against Sergeant Trotman. § 87(2)(b) had observed the officer's name from his nameplate and remembered and provided it while at the station house. Sergeant Granowetter asked him if he had the officer's shield number and § 87(2)(b) said no, but gave him Sergeant Trotman's name and described him as a black male with a Caribbean accent. Sergeant Granowetter went back to his desk and used his radio to contact Sergeant Trotman and request that he respond to the station house. He told § 87(2)(b) that Sergeant Trotman would be there in a few minutes to take his complaint. § 87(2)(b) asked Sergeant Granowetter why he did that because he did not want to see Sergeant Trotman again. Sergeant Granowetter told § 87(2)(b) that it was procedure to have the subject officer involved in the complaint to respond to the station house so that they can see who is making a complaint against them. § 87(2)(b) told him that that did not sound right. § 87(2)(b) asked the two women at the desk if that was the correct procedure. Neither of them could answer his question. § 87(2)(b) collectively asked the other officers if that was the right way to file a complaint. None of them answered him, but as PO Banks, whose name § 87(2)(b) read from the officer's nameplate, was walking away from the desk area, § 87(2)(b) stopped him and asked him the same question. PO Banks, approximately 5'9" appearing to be Hispanic and Asian, told § 87(2)(b) that in order to file a complaint he just needs to fill out a complaint form to be provided by the desk officer. § 87(2)(b) pointed to Sergeant Granowetter and told PO Banks that he was just told by Sergeant Granowetter that the officer involved in the complaint needs to take the complaint. PO Banks responded that what he told § 87(2)(b) was “off the record.” A few minutes later, Sergeant Trotman arrived at the station house with PO2. He asked Sergeant Granowetter what was going on and then approached § 87(2)(b) and asked him what was going on. § 87(2)(b) told him that he wanted to make a complaint against him. Sergeant Trotman called § 87(2)(b) a drug dealer numerous times. § 87(2)(b) told Sergeant Trotman that he works for him § 87(2)(b). Sergeant Trotman responded that § 87(2)(b) is a drug dealer and scum. Sergeant Trotman told § 87(2)(b) “You're in my house now,” and § 87(2)(b) responded that it was not his house, but a city owned building. With that, § 87(2)(b) produced his pay stub to prove that the officers do, in fact, work for him. A group of women inside the station house waiting to speak with an officer saw § 87(2)(b) show the officers his pay stub and began to laugh. Sergeant Trotman spoke to the other officers there, including Sergeant Granowetter and then returned to § 87(2)(b) and gave him a complaint form and told him, “Here's the paper, now get the fuck out.” § 87(2)(b) told them that he was not going to leave until the complaint was filed. Sergeant Trotman was speaking to other officers and he and § 87(2)(b) were mildly arguing while § 87(2)(b) was filling out the complaint form. He began filling it out and realized that he wrote in the top section to be used by NYPD personnel only. Sergeant Trotman left the location with PO2. A chubby white male wearing a suit walked by and § 87(2)(b) asked him if it was correct to have the officer involved in a complaint take the complaint from a civilian. This officer said that it was not procedure to do so. That officer left. § 87(2)(b) asked the two civilian women for a new complaint form.

When they got inside, they spoke with the two women in the front asked § 87(2)(b) why he was there because he said that he was going to come back in the morning. § 87(2)(b) had a brief verbal dispute with the woman in glasses. The white chubby officer told § 87(2)(b) to “leave her alone” because she “was doing her job.” § 87(2)(b) sat down next to his mother and waited. A few minutes later, one of the women gave § 87(2)(b) the 3-part complaint form and told him to sign it. § 87(2)(b) read the form and then handed it to his mother. The woman with glasses snatched the paper out of § 87(2)(b)s hand and started walking away. She said, “I don’t know what’s wrong with you people.” § 87(2)(b) said, “What do you mean, you people? You’re as black as me.” The other civilian woman, a black female with reddish hair laughed. The chubby white male officer told § 87(2)(b) to be quiet. § 87(2)(b) went outside and smoked a cigarette. When he came back in, they gave him a copy of the paper and he left with his mother.

Results of Investigation

§ 87(2)(b) § 87(2)(b) called and provided a telephone statement on March 16, 2005. (encl. 7A-B) She corroborated § 87(2)(b)'s account that on a date that she could not specify, possibly February 11, 2005, after having visited her at her apartment, not 5 minutes later, § 87(2)(b) rang her door bell and asked her to verify to the officers that he was just visiting her. She answered her front door and saw a tall black uniformed male wearing a hat and a Hispanic/white male. The Hispanic male was using a flashlight to look around in the hallway. She told the black officer that § 87(2)(b) had, in fact, been visiting her. They looked around in the hallway and then left. § 87(2)(b) stated that her West Indian neighbor often calls the police regarding noise in the hallways and she suspected that on the date of the incident she might have called the police as well. § 87(2)(b) said that § 87(2)(b) had informed her of other incidents in which the same tall black officer has been harassing § 87(2)(b). She stated that she knows § 87(2)(b) because he used to live in the neighborhood and they have remained friends.

Sergeant Brett Granowetter, a § 87(2)(b)-year-old white male with 6 years tenure, was interviewed at the CCRB on April 7, 2005. (encl. 8A-D) He is 6'3, weighs 205 lbs. and has brown hair and green eyes. On February 16, 2004, Sergeant Grenowetter worked from 4:00PM until 12:00AM. He was assigned to the desk at the 77th Precinct station house, was in uniform, did not have a partner, and was not assigned a motor vehicle. Sergeant Granowetter did not have any memobook entries pertaining to his interaction with § 87(2)(b).

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§ 87(2)(b) and asked him who he wanted to complain about. § 87(2)(b) told him that he was stopped by a black male officer driving a van. § 87(2)(b) did not identify the subject officer by name and did not know his shield number. From the description provided by § 87(2)(b) Sergeant Granowetter strongly believed the subject officer to be Sergeant Trotman. He used the radio to request that Sergeant Trotman respond to the station house. Sergeant Granowetter stated that he requested Sergeant Trotman's presence at the station house for "positive identification," for the civilian complaint. When Sergeant Trotman arrived, he spoke to Sergeant Granowetter and was informed that § 87(2)(b) who was sitting in the waiting area, said that he wanted to file a complaint against him. § 87(2)(b) saw Sergeant Trotman and began yelling at him about their previous encounters. Sergeant Trotman shrugged his shoulders, did not respond to § 87(2)(b)'s statements with any discourteous language, and left the location to resume patrol. After that, Sergeant Granowetter gave § 87(2)(b) the civilian complaint forms and he completed them there. During that time, Sergeant Granowetter saw § 87(2)(b) "harassing" the PAA's at the front desk and told him to stop. When § 87(2)(b) turned in the complaint forms, Sergeant Granowetter told him that he could either wait for a typed copy of the forms, or take a photocopy and leave. § 87(2)(b) opted to leave with the photocopy and not wait for the typed version. He left the station house. Sergeant Granowetter said that from what he recalled, an officer called the complaint into the CCRB hotline and a command log entry was made documenting the complaint. § 87(2)(b) did not return to the station house at any time during the remainder of Sergeant Granowetter's tour of duty.

Sergeant Kurt Trotman

UF-250

Sergeant Trotman directed PO Gattus to complete a stop and frisk report documenting the interaction between the officers and § 87(2)(b) on February 16, 2006. He signed and approved the stop and frisk report. (encl. 9A) The report indicates that the stop occurred in front of § 87(2)(b) in Brooklyn and lasted approximately 10 minutes. The officers suspected § 87(2)(b) of being in possession of a controlled substance and the circumstances that led to the stop included actions indicative of engaging in drug transaction, furtive movements, and that § 87(2)(b) was wearing clothes/disguises commonly used in the commission of crimes. § 87(2)(b) was frisked due to his furtive movements indicative of engaging in violent crimes and due to his refusal to comply with officers' directions leading to a reasonable fear for safety. The report indicates that § 87(2)(b) was not searched and that no weapon or other contraband was found. Circumstances surrounding the stop are the time of day, that the area has a high incidence of reported offense of type under investigation, and that the individual gave evasive, false or inconsistent responses to the officers' questions.

CCRB Interview

Sergeant Kurt Trotman, a § 87(2)(b)-year-old black male with 14 years tenure was interviewed at the CCRB on August 11, 2005. (encl. 10A-F) He is currently assigned to the 77th Precinct and was also assigned to that command as of February 11, 2005. Sergeant Trotman worked from 5:15PM until 2:12AM on February 11, 2005, February 14, 2005, February 15, 2005 and February 16, 2005. He was the conditions sergeant on all four dates. He was working with PO Clark, PO Gattus, and PO Margaritis. All officers were in uniform and were assigned to a marked NYPD van. There was one related memobook entry which detailed that on February 16, 2005, at 6:15PM one male was stopped in front of § 87(2)(b). The male provided identification at 6:20PM, and Sergeant Trotman resumed patrol at 6:21PM.

On February 11, 2005, Sergeant Trotman was assigned to conditions and was the conditions sergeant, which is his routine assignment. He received a call from the telephone switchboard operator at the 77th Precinct station who stated that someone had called the precinct to complain about a group of males smoking marijuana and drinking alcohol on the front steps of § 87(2)(b). He and his partners responded to the location and observed a total of five individuals hanging out on the front stoop of the building. Before he could get out of the van, two individuals ran into the building. Sergeant Trotman ran inside the building with another officer, possibly PO Margaritis, trying to follow the two males that fled inside and heard a door slam on the second floor. When they got to the second floor, no one was there. Sergeant Trotman and the other officer exited the building and returned to the front stoop. There were three people remaining. He asked them if they lived in the building and the males said that they did not. Sergeant Trotman asked the men to provide identification and they complied either verbally or by

producing identification cards. One of the males was identified as § 87(2)(b) § 87(2)(b). Sergeant Trotman told them that they could not remain on the front stoop of the building because they do not live there. § 87(2)(b) § 87(2)(b)'s response to Sergeant Trotman's directive not to loiter on the front stoop was that he lives in the area and should not have to leave. Sergeant Trotman explained to him that since he does not live in that specific building, he is not permitted to hang out on the front steps leading into the building. Sergeant Trotman left the location without further interaction with any of the individuals. § 87(2)(b) § 87(2)(b) never did provide an explanation for being in front of the building and did not tell Sergeant Trotman, on that day, that he was visiting a resident of the building. No stop and frisk reports were completed for this inquiry.

On February 14, 2005, Sergeant Trotman and his partners were assigned to conditions and observed a group of three individuals standing in front of § 87(2)(b) § 87(2)(b). He exited the police van and approached the group. He asked each person if they lived in the building and asked for identification and address information. One of the individuals provided his identification, which verified that he is a resident of § 87(2)(b) § 87(2)(b). Midway through his inquiry with the three people in front of the building, § 87(2)(b) § 87(2)(b) who was located across the street, walked over to him and his partners. He addressed Sergeant Trotman and started accusing the officers of harassing people in the neighborhood and started yelling about how only "his mother tells him what he should do," and that the officers do not have the right to tell people where they can go and what they can do. Sergeant Trotman told § 87(2)(b) § 87(2)(b) to step back and § 87(2)(b) § 87(2)(b) complied. He started walking away and crossed the street while continuing to complain about the officers' presence in the neighborhood. Sergeant Trotman never asked § 87(2)(b) § 87(2)(b) for his identification on February 14, 2005 and no stop and frisk reports were prepared regarding the interaction Sergeant Trotman had with the three people standing in front of § 87(2)(b) § 87(2)(b).

Sergeant Trotman did not recall interacting with § 87(2)(b) § 87(2)(b) on February 15, 2005. He said that he "must have passed by" the vicinity of § 87(2)(b) § 87(2)(b) due to his assignment as the conditions sergeant and the number of calls that they respond to in that area. Sergeant Trotman specified that he would have been able to recognize § 87(2)(b) § 87(2)(b) due to the two previous interactions they had and was certain that he did not see § 87(2)(b) § 87(2)(b) on February 15, 2005.

On February 16, 2005, Sergeant Trotman received a call from the TS operator indicating that someone had called the station house complaining that there was a possibly armed male standing in front of § 87(2)(b) § 87(2)(b) selling drugs. Sergeant Trotman did not recall other details of the description of the individual provided by the TS operator and therefore did not know if § 87(2)(b) § 87(2)(b) fit the description. He did specify, however, that § 87(2)(b) § 87(2)(b) was the only person standing in front of the building at the time of the officers' arrival. When he arrived in front of the building, he saw § 87(2)(b) § 87(2)(b) standing about ½ way up the front steps. Sergeant Trotman exited the van and approached § 87(2)(b) § 87(2)(b). He asked § 87(2)(b) § 87(2)(b) why he was in front of the building. § 87(2)(b) § 87(2)(b) told him that his "baby's mother" lives in the building and became upset saying that "this is America" and that he can stand there if he wants to. § 87(2)(b) § 87(2)(b) began yelling for someone to "call his mom." Sergeant Trotman asked § 87(2)(b) § 87(2)(b) for his identification and § 87(2)(b) § 87(2)(b) complied. § 87(2)(b) § 87(2)(b)'s identification verified that he does not live in that building. A warrant check was conducted to make sure that there were no outstanding warrants on file for § 87(2)(b) § 87(2)(b). Sergeant Trotman directed PO Clarke to frisk § 87(2)(b) § 87(2)(b) due to the fact that the call from the TS operator specified that the individual was possibly armed. At that time, PO Clarke and PO Margaritis were standing in front of § 87(2)(b) § 87(2)(b) and Sergeant Trotman was standing behind § 87(2)(b) § 87(2)(b) on the top step of the stoop. PO Clarke frisked § 87(2)(b) § 87(2)(b)'s waistband and waist/groin area because that is where weapons are often concealed and the call from the TS operator specified that the individual was possibly armed. PO Clarke took hold of § 87(2)(b) § 87(2)(b)'s waist band and under garments and "shook" them, which sometimes reveals drugs that are hidden inside of people's pants, waist band, or areas between the under garments, pants, and body. The frisk did not reveal any hard objects or objects that might be drugs so no search was conducted. However, while PO Clarke was frisking § 87(2)(b) § 87(2)(b) he continued turning to his right as if trying to shield something from the officers. Sergeant Trotman noticed this movement and frisked § 87(2)(b) § 87(2)(b) himself. He felt around § 87(2)(b) § 87(2)(b)'s right side and near his waistband. The object that § 87(2)(b) § 87(2)(b) was trying to hide was a walkman. Sergeant Trotman believed that the walkman was clipped to § 87(2)(b) § 87(2)(b)'s waistband and was visible but was not certain. When specifically asked how the walkman was revealed, Sergeant Trotman said that the walkman was either clipped to § 87(2)(b) § 87(2)(b)'s waist band or he asked § 87(2)(b) § 87(2)(b) what he "had on him" and § 87(2)(b) § 87(2)(b) retrieved the walkman from a pocket and handed it to the officers. Sergeant

Trotman added that in frisk situations, he trains his subordinates to ask the person they are dealing with what they have in their pockets or what the hard object or bulge is and to ask the person to hand it to them. For this reason he was certain that § 87(2)(b) was never searched. Throughout the interaction, § 87(2)(b) continued yelling about wanting someone to call his mom and at one point asked the officers for their names, which the officers provided to him. Sergeant Trotman explained to § 87(2)(b) that he can not stand in front of that building because of complaints being made to the precinct regarding weapons possession and drug sales. § 87(2)(b) continued to complain about the encounter and the officers' actions but eventually walked across the street. The officers left the scene and a stop and frisk report was prepared.

Later that day, Sergeant Trotman received a telephone call from the desk sergeant who told him that there was a civilian at the station house who wanted to speak with him. Sergeant Trotman responded and saw § 87(2)(b) at the front window. He was completing a civilian complaint form and said that he needed another one. Sergeant Trotman told the PAA to give § 87(2)(b) another form and she did. There was no direct interaction between § 87(2)(b) and Sergeant Trotman. Sergeant Trotman never told § 87(2)(b) to leave the station house and never cursed at him. Sergeant Trotman resumed patrol while § 87(2)(b) was filling out the civilian complaint report. Sergeant Trotman characterized § 87(2)(b) as acting "EDP-ish" with regard to his frequent references to his need for his mother.

Additional Witness Statements

PO Banks was identified by § 87(2)(b) as having been at the station house as a witness to Sergeant Granowetter's request for Sergeant Trotman to respond regarding § 87(2)(b)'s complaint and said that PO Banks agreed with § 87(2)(b) on the inappropriate nature of Sergeant Granowetter's action. He was not interviewed because Sergeant Granowetter and Sergeant § 87(2)(b) both confirmed Sergeant Granowetter's request for Sergeant § 87(2)(b)'s presence, and Sergeant § 87(2)(b)'s subsequent response to the location. Since Sergeant Granowetter's actions are undisputed and NYPD Patrol Guide 207-31 clearly defines the appropriate procedure it was unnecessary to obtain a statement from him. Attempts to interview additional witnesses were not made because their statements would change the dispositions of the allegations.

NYPD and Communications Records

A search for relevant Sprint jobs regarding a complaint made concerning marijuana use and alcohol consumption in front of § 87(2)(b) on February 11, 2005 was negative. A search for relevant Sprint jobs concerning a description of someone possibly armed and selling drugs at § 87(2)(b) on February 16, 2005, also yielded negative results. Similarly, there was no Sprint job on file regarding a radio call requesting Sergeant Trotman's presence at the 77th PCT station house on that day. (encl. 16A-C)

The 77th PCT roll calls for February 11, 2005, February 15, 2005, and February 16, 2005 that Sergeant Trotman was on duty and assigned as the conditions sergeant. The roll calls for tours 2 and 3 for February 14, 2005 do not show that Sergeant Trotman was working on that day, however, he verified during his CCRB interview that he was on duty and had interacted with § 87(2)(b) on February 14, 2005. The February 16, 2005 tour 3 roll call confirms that Sergeant Granowetter was working at the desk on February 16, 2005. (encl. 12A-H)

Criminal History of Civilian

§ 87(2)(b) does not have any criminal convictions in the city of New York. (encl. 16E)

Officer History

No CCRB allegations have been substantiated against Sergeant Trotman or Sergeant Granowetter. (encl. 3A-C)

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) identified Sergeant Trotman as the officer that he interacted with on the dates of incident. Sergeant Trotman confirmed his presence at the locations of the various stops and acknowledged having interacted with § 87(2)(b) on all dates except February 15, 2005. Due to Sergeant Trotman's assignment as the conditions supervisor and his authority as the ranking officer, he is responsible for his own actions as

well as those of subordinate officers working under his supervision. Therefore the allegations are being pleaded against him.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Analysis

Allegation A – Abuse of Authority - SGT Kurt Trotman stopped and questioned § 87(2)(b) § 87(2)(b) on February 11, 2005.

Based on Sergeant Trotman’s account of events occurring on February 11, 2005 combined with § 87(2)(b) § 87(2)(b) s description of his interaction with Sergeant Trotman on that date, the encounter constitutes a level I stop, also referred to as a “request for information.” According to Barry Kamins’ New York Search and Seizure, during a request for information, “a police officer may ask questions regarding the identity and destination of an individual and his or her reason for being in a particular location.” (encl. 1A) According to both § 87(2)(b) § 87(2)(b) and Sergeant Trotman, only questions relating to § 87(2)(b) § 87(2)(b) s identity, address, and reason for being in front of the building were raised during this interaction. § 87(2)(b), § 87(2)(g)

Allegation B – Abuse of Authority - SGT Kurt Trotman stopped and questioned § 87(2)(b) § 87(2)(b) on February 14, 2005.

§ 87(2)(b) and Sergeant Trotman provided differing accounts of their interaction on February 14, 2005. § 87(2)(b) stated that he had returned from the store after purchasing a can of beer for § 87(2)(b). He was smoking a cigarette outside of § 87(2)(b) before going inside of § 87(2)(b) to meet with § 87(2)(b). He alleged that a marked police van drove up and stopped in front of him. Sergeant Trotman addressed § 87(2)(b) and asked him what he was doing and § 87(2)(b) replied that he was about to “go next door” meaning § 87(2)(b). § 87(2)(b) alleged that Sergeant Trotman asked him what he was doing and he replied that he was smoking a cigarette. Sergeant Trotman asked § 87(2)(b) if he had a beer and § 87(2)(b) said that he did. Sergeant Trotman allegedly exited the police van and approached § 87(2)(b) at which time § 87(2)(b) lifted up the can of beer to show the officer that it was unopened. After that, Sergeant Trotman told § 87(2)(b) “I don’t need to be seeing you around here every day,” and then left. According to Sergeant Trotman, he and his partners had stopped a group of individuals in front of § 87(2)(b) and were verifying their identities when § 87(2)(b) who Sergeant Trotman recognized from an encounter on February 11, 2005, approached them. According to Sergeant Trotman, § 87(2)(b) was yelling about the officers harassing people in the neighborhood and there was no mention or observations of any cans of unopened beer. Sergeant Trotman told § 87(2)(b) to leave and he complied. § 87(2)(b), § 87(2)(g)

Allegation C – Abuse of Authority – SGT Kurt Trotman stopped and questioned § 87(2)(b) § 87(2)(b) on February 15, 2005.

§ 87(2)(b) alleged that Sergeant Trotman drove by § 87(2)(b) in a marked police van and asked him what he was doing. He alleged that Sergeant Trotman said, “You’re a drug dealer, right?” and told him that the police were trying to “clean up the neighborhood.” Sergeant Trotman denied seeing § 87(2)(b) at all on February 15, 2005. § 87(2)(b), § 87(2)(g)

Allegation D – Abuse of Authority – SGT Kurt Trotman stopped and questioned § 87(2)(b) § 87(2)(b) on February 16, 2005.

According to both § 87(2)(b) and Sergeant Trotman, Sergeant Trotman approached § 87(2)(b) as he stood on the front steps of § 87(2)(b) and asked him for his identification. § 87(2)(b) alleged that Sergeant Trotman asked him “where the guns are,” and that he lifted up his shirt to show that he did not have any weapons concealed in his waist band area. Sergeant Trotman did not corroborate this, but confirmed that he did immediately ask § 87(2)(b) for his identification and authorized PO Clarke and PO Margaritis to frisk § 87(2)(b). This constitutes, at minimum, a level III or forcible stop, which, according to Kamins’ New York Search and Seizure, requires that officers have reasonable suspicion to believe that criminal activity is at hand. (encl. 1B) According to Sergeant Trotman, he had received a call from the TS operator at the 77th Precinct describing a complaint of a male who was possibly armed standing in front of § 87(2)(b) selling drugs. Sergeant Trotman could not recall additional details or description information provided to him at the time. There was no Sprint job relating to this alleged complaint made to the 77th Precinct, however, Sergeant Trotman was acting on information provided to him from a fellow officer relaying a complaint made at the station house. § 87(2)(b), § 87(2)(g)

Allegation E – Abuse of Authority – SGT Kurt Trotman authorized the frisk of § 87(2)(b) § 87(2)(b) on February 16, 2005.

Although § 87(2)(b) did not allege that he was frisked, Sergeant Trotman confirmed that he authorized and participated in a frisk of § 87(2)(b) and he approved the relevant UF-250 relating to the encounter. According to Barry Kamins' New York Search and Seizure, in addition to having established reasonable suspicion to stop the individual, officers must articulate an independent and reasonable suspicion that the individual is armed and dangerous. (encl. 1C) § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation F – Abuse of Authority – SGT Kurt Trotman authorized the search of § 87(2)(b) § 87(2)(b) on February 16, 2005.

§ 87(2)(b) alleged that Sergeant Trotman's partners searched inside the sleeves of his jacket. He also alleged that Sergeant Trotman put his hand in the back of § 87(2)(b)'s pants between his pants and his underwear. According to Sergeant Trotman, § 87(2)(b) was frisked but not searched. This is corroborated on the UF-250 and in Sergeant Trotman's detailed CCRB statement regarding the extent of the frisk, which is analyzed above. According to applicable New York search and seizure law, a search of any part of § 87(2)(b)'s person would only be appropriate if the officers felt an object that felt like a weapon. (encl. 1D) § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation G – Abuse of Authority – Sergeant Brett Granowetter did not process § 87(2)(b) § 87(2)(b)'s complaint regarding an officer.

The first sentiment expressed by § 87(2)(b) on the NYPD Civilian Complaint Form is that he was upset that he was forced to see Sergeant Trotman at the station house at the time that he wanted to file a complaint against him. (encl. 4A) § 87(2)(b) explicitly told Sergeant Granowetter that he did not want to see Sergeant Trotman again and asked him why Sergeant Trotman needed to be present in order for him to file a complaint against him. It is undisputed that Sergeant Trotman responded to the station house at Sergeant Granowetter's request regarding § 87(2)(b)'s presence there and intent of making a complaint against him. § 87(2)(b) said that he identified Sergeant Trotman by name when informing Sergeant Granowetter of his desire to file a civilian complaint. Sergeant Granowetter, however, stated that § 87(2)(b) only provided a physical description of Sergeant Trotman and that he was in a marked van. Sergeant Granowetter stated that based on § 87(2)(b)'s descriptions, he was certain that Sergeant Trotman was the officer that § 87(2)(b) was complaining about. However, since § 87(2)(b) did not provide a shield number, Sergeant Granowetter believed that the officer's identity remained unclear and that he needed to verify Sergeant § 87(2)(b)'s identity as the subject officer of the complaint by using his radio to request that Sergeant Trotman respond to the station house. NYPD Patrol Guide Procedure 207-31 concerning processing civilian complaints specifies that when a civilian wishes to file a complaint against an officer in-person at the station house, they are to be interviewed and provided a civilian complaint form to complete. After the form has been completed, officers must then complete another complaint form which is to be forwarded to the appropriate agency. Section 4d of PG Procedure 207-31 states that officers are to provide the "rank, shield number, and command of member complained of, if known." (encl. 2C) Section 7a states that officers are to notify the investigating supervisor to initiate investigation of alleged complaint "if doubt exists as to the identity of the member of the service against whom the complaint is being lodged." (encl. 2C) § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation H – Discourtesy – SGT Kurt Trotman spoke rudely to § 87(2)(b) § 87(2)(b) at the 77th Precinct station house on February 16, 2005.

§ 87(2)(b) § 87(2)(b) alleged that Sergeant Trotman told him to “get the fuck out” of the station house and called him “scum” and a “drug dealer.” Sergeant Trotman denied these allegations, but admitted that he saw § 87(2)(b) § 87(2)(b) at the station house filling out a civilian complaint report. Sergeant Granowetter denied hearing Sergeant Trotman make the alleged comments and said that Sergeant Trotman shrugged his shoulders and resumed patrol when § 87(2)(b) § 87(2)(b) began yelling at Sergeant Trotman and accusing him of harassment.

§ 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: